

1 **H.3 Vs. H.14 (2018 Special Session)**

2 **Showing H.3, with deletions from H.14 ~~struck through~~ and additions from**  
3 **H.14 highlighted in yellow**

4

5 Subject: Education; ethnic and social education in schools; Ethnic and Social  
6 Equity Standards Advisory Working Group

7 Statement of purpose of bill as introduced: This bill proposes to create the  
8 Ethnic and Social Equity Standards Advisory Working Group to advise the  
9 State Board of Education on the adoption of ethnic and social equity studies  
10 standards into statewide educational standards for students in prekindergarten  
11 through grade 12. This bill also proposes to require the State Board of  
12 Education to publish, to the extent consistent with ~~State and federal~~ applicable  
13 privacy laws ~~and regulations~~, data on student performance and hazing,  
14 harassment, or bullying incidents ~~disaggregated by student groups, including~~  
15 ~~ethnic and racial groups, poverty status, disability status, English language~~  
16 ~~learner status, and gender~~ for certain categories of students.

17 An act relating to ~~ethnic and social equity studies standards for public~~  
18 ~~schools~~ the adoption of ethnic and social equity studies standards into  
19 existing statewide curriculum standards

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY  
3 WORKING GROUP

4 (a) Findings.

5 (1) In 1999, the Vermont Advisory Committee to the U.S. Commission  
6 on Civil Rights published a report titled Racial Harassment in Vermont Public  
7 Schools and described the state of racism in public schools. The Committee  
8 held various hearings and received reports from stakeholders and concluded  
9 that “racial harassment” appeared “pervasive in and around the State’s public  
10 schools,” and observed that “the elimination of this harassment” was “not a  
11 priority among school administrators, school boards, elected officials, and  
12 State agencies charged with civil rights enforcement.”

13 (2) In 2003, the Commission released a follow-up report concluding  
14 that, although some positive efforts had been made since the original report  
15 was published, the problem persisted. One of the many problems highlighted  
16 was “curriculum issues in the State’s public schools. In some instances,  
17 teachers employ curriculum materials and lesson plans that promote racial  
18 stereotypes.” One of the conclusions was that there was a need for a bias-free  
19 curriculum.

20 (3) In December 2017, the Act 54 report on Racial Disparities in State  
21 Systems, issued by the Attorney General and Human Rights Commission Task

1 Force, was released. According to the report, education is one of the five State  
2 systems in which racial disparities persist and need to be addressed. The  
3 Attorney General and Human Rights Commission held three stakeholder  
4 meetings and found “a surprising amount of coalescence around the most  
5 important issues” and “the primary over-arching theme was that we will be  
6 able to reduce racial disparities by changing the underlying culture of our state  
7 with regard to race.” One of the main suggestions for accomplishing this was  
8 to “teach children from an integrated curriculum that fairly represents both the  
9 contributions of People of Color (as well as indigenous people, women, people  
10 with disabilities, etc.), while fairly and accurately representing our history of  
11 oppression of these groups.” The other suggestions were to educate State  
12 employees about implicit bias, white privilege, white fragility, and white  
13 supremacy and increase the representation of people of color in the State and  
14 school labor forces by focusing on recruitment, hiring, and retention, as well as  
15 promotion of people of color into positions of authority and responsibility on  
16 boards and commissions.

17 ~~(4) The harassment of lesbian, gay, bisexual, transgender, queer,~~  
18 ~~questioning, intersex, asexual, and nonbinary communities; other students of~~  
19 ~~color; and students with disabilities and the lack of understanding of people in~~  
20 ~~power about the magnitude of the systemic impacts of harassment and bias~~  
21 ~~damage the whole community.~~

1        (b) Definitions. As used in this act:

2            (1) “Ethnic groups” means nondominant racial and ethnic groups in the  
3        United States, including people who are indigenous and people of African,  
4        Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent.

5            (2) “Ethnic studies” means the instruction of students in prekindergarten  
6        through grade 12 in the historical contributions and perspectives of ethnic  
7        groups and social groups.

8            (3) “Social groups” means females, people with disabilities, immigrants,  
9        refugees, and individuals who are lesbian, gay, bisexual, transgender, queer,  
10       questioning, intersex, asexual, or nonbinary.

11        (c) Creation and composition. The Ethnic and Social Equity Standards  
12       Advisory Working Group is established. The Working Group shall comprise  
13       the following 17 members:

14            (1) eight members who are members of, and represent the interests of,  
15        ethnic groups and social groups;

16            (2) a Vermont-based, college-level faculty expert in ethnic studies;

17            (3) the Secretary of Education or designee;

18            (4) the Executive Director of the Vermont-National Education  
19        Association or designee;

1           (5) an Assistant Attorney General in the Office of the Vermont Attorney  
2           General with experience working with the Agency of Education on racial and  
3           social justice issues in schools;

4           (6) the Executive Director of the Vermont School Boards Association or  
5           designee;

6           (7) a representative for the Vermont Principals' Association with  
7           expertise in the development of school curriculum;

8           (8) a representative for the Vermont Curriculum Leaders Association;

9           (9) the Executive Director of the Vermont Superintendents Association  
10          or designee; and

11          (10) the Executive Director of the Vermont Independent Schools  
12          Association or designee.

13          (d) Appointment and operation.

14          (1) The Vermont Coalition for Ethnic and Social Equity in Schools  
15          (Coalition) shall appoint the eight members who represent ethnic groups and  
16          social groups and the member identified under subdivision (c)(2) of this  
17          section. Appointments of members to fill vacancies to these positions shall be  
18          made by the Coalition.

19          (2) As a group, the Working Group shall represent the breadth of  
20          geographic areas within the State and shall have experience in the areas of

1 ethnic standards or studies, social justice, inclusivity, and advocacy for the  
2 groups ~~they represent~~ it represents.

3 (3)(A) The Secretary of Education or designee shall call the first  
4 meeting of the Working Group to occur on or before September 1, ~~2019~~ 2018.

5 (B) The Working Group shall select a chair from among its members  
6 at the first meeting.

7 (C) A majority of the membership shall constitute a quorum.

8 (D) The Working Group shall cease to exist on July 1, ~~2022~~ 2020.

9 (e) Compensation and reimbursement. Members of the Working Group  
10 who are not employees of the State of Vermont and who are not otherwise  
11 compensated or reimbursed for their attendance shall be entitled to per diem  
12 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for  
13 not more than ten meetings per year. These payments shall be made from  
14 monies appropriated to the Agency of Education.

15 (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of  
16 Education from the General Fund for fiscal year ~~2020~~ 2019 for the per diem  
17 compensation and expense reimbursements authorized by subsection (e) of this  
18 section to be paid to the members of the Ethnic and Social Equity Standards  
19 Advisory Working Group. The Agency shall include in its budget request to  
20 the General Assembly for fiscal ~~years 2021 and 2022~~ year 2020 the amount of  
21 \$13,420.00 for the per diem compensation and expense reimbursements

1 authorized by subsection (e) of this section to be paid to members of the  
2 Working Group.

3 (g) Duties of the Working Group.

4 ~~(1)~~ The Working Group shall review statewide curriculum standards  
5 adopted by the State Board of Education and, on or before June 30, ~~2021~~ 2020,  
6 recommend to the State Board updates and additional standards to recognize  
7 fully the history, contributions, and perspectives of ethnic groups and social  
8 groups. These recommended additional standards shall be designed to:

9 ~~(A)~~ (1) increase cultural competency of students in prekindergarten  
10 through grade 12;

11 ~~(B)~~ (2) increase attention to the history, contribution, and perspectives  
12 of ethnic groups and social groups;

13 ~~(C)~~ (3) promote critical thinking regarding the history, contributions,  
14 and perspectives of ethnic groups and social groups;

15 ~~(D)~~ (4) commit the school to eradicating any racial bias in its  
16 curriculum;

17 ~~(E)~~ (5) provide, across its curriculum, content and methods that  
18 enable students to explore safely questions of identity, race equality, and  
19 racism; and

1           ~~(F)~~ **(6)** ensure that the basic curriculum and extracurricular programs  
2           are welcoming to all students and take into account parental concerns about  
3           religion or culture.

4           ~~(2) The Working Group may review all existing State statutes regarding~~  
5           ~~school policies and recommend to the General Assembly proposed statutory~~  
6           ~~changes with the following goals:~~

7           ~~(A) ensuring that the school curriculum:~~

8           ~~(i) promotes critical thinking regarding the history, contribution,~~  
9           ~~and perspectives of ethnic groups and social groups;~~

10           ~~(ii) includes content and related instructional materials and~~  
11           ~~methods that enable students to explore safely questions of identity and~~  
12           ~~membership in ethnic groups and social groups, race equality, and racism; and~~

13           ~~(iii) facilitates a welcoming environment for all students while~~  
14           ~~taking into account parental concerns about bias or exclusion of ethnic groups~~  
15           ~~or social groups; and~~

16           ~~(B) ensuring engagement opportunities that provide families a~~  
17           ~~welcoming means of raising any concern about their child's experience as it~~  
18           ~~bears on race or ethnic or social group identity at school.~~

19           ~~(3) The Working Group shall include in its report to the General~~  
20           ~~Assembly under subdivisions (h)(2) and (3) of this section any statute, State~~

1 ~~Board rule, or school district policy that it has identified as needing review or~~  
2 ~~amendment in order to:~~

3 ~~(A) promote an overarching focus on preparing all students to~~  
4 ~~participate effectively in an increasingly racially, culturally, and socially~~  
5 ~~diverse Vermont and in global communities;~~

6 ~~(B) ensure every student is in a safe, secure, and welcoming learning~~  
7 ~~and social environment in which bias, whether implicit or explicit, toward~~  
8 ~~others based on their membership in ethnic or social groups is acknowledged~~  
9 ~~and addressed appropriately;~~

10 ~~(C) challenge racist, sexist, gender, or ability based bias or bias based~~  
11 ~~on socioeconomic status when it occurs, using principles aligned with~~  
12 ~~restorative practice;~~

13 ~~(D) specify prohibited conduct as it relates to racism, sexism,~~  
14 ~~ableism, and other social biases and refers to the process through which alleged~~  
15 ~~misconduct will be addressed, including disciplinary action as appropriate;~~

16 ~~(E) establish disciplinary responses to racial or ethnic and social~~  
17 ~~group incidents that include the utilization of restorative practices where~~  
18 ~~appropriate; and~~

19 ~~(F) ensure that the school provides all its personnel training in how~~  
20 ~~best to address bias incidents.~~

21 ~~(h) Reports.~~

1           ~~(1) The Working Group shall, on or before March 1, 2020, submit a~~  
2           ~~report to the General Assembly that includes:~~

3                     ~~(A) the membership of the Working Group and its meeting schedule;~~

4                     ~~(B) its plan to accomplish the work described in subdivision (g)(1) of~~  
5           ~~this section, including the timeline for reviewing all statewide curriculum~~  
6           ~~standards and for its recommendation to the State Board of additional~~  
7           ~~standards to recognize fully the history, contributions, and perspectives of~~  
8           ~~ethnic groups and social groups; and~~

9                     ~~(C) its plan to accomplish the work described in subdivisions (g)(2)~~  
10           ~~and (3) of this section, including the timeline for reviewing all existing State~~  
11           ~~statutes regarding school policies and drafting proposed legislation.~~

12           ~~(2) The Working Group shall, on or before December 15, 2020, submit a~~  
13           ~~report to the General Assembly that includes:~~

14                     ~~(A) the membership of the Working Group and its meeting schedule;~~

15                     ~~(B) recommended statutory changes under subdivisions (g)(2) and (3)~~  
16           ~~of this section; and~~

17                     ~~(C) recommendations for training and appropriations to support~~  
18           ~~implementation of the recommended statutory changes.~~

19           ~~(3) The Working Group shall, on or before July 1, 2022, submit a report~~  
20           ~~to the General Assembly that includes:~~



1 adopted under subdivision (9) of this section, number and types of complaints  
2 of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of  
3 this title and responses to the complaints, financial resources and expenditures,  
4 and community social indicators. The report shall be organized and presented  
5 in a way that is easily understandable by the general public and that enables  
6 each school, school district, and supervisory union to determine its strengths  
7 and weaknesses. To the extent consistent with State and federal privacy laws  
8 and regulations, data on student performance and hazing, harassment, or  
9 bullying incidents shall be disaggregated by student groups, including ethnic  
10 and racial groups, poverty status, disability status, English language learner  
11 status, and gender. The Secretary shall use the information in the report to  
12 determine whether students in each school, school district, and supervisory  
13 union are provided educational opportunities substantially equal to those  
14 provided in other schools, school districts, and supervisory unions pursuant to  
15 subsection 165(b) of this title.

16 \* \* \*

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.